

Senate Bill No. 148

CHAPTER 169

An act to add Section 115102 to the Health and Safety Code, relating to mammography.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

SB 148, Oropeza. Mammogram machines: inspection: posting of results.

Existing law, commonly known as the Radiation Protection Act of 1988, sets forth the duties of various agencies relating to the protection of the public health and safety from the harmful effects of radiation, including, among others, the duties of the State Department of Public Health regarding the licensing and regulation of radiologic technology, including, but not limited to, the inspection of mammographic X-ray equipment. Violation of provisions relating to radiologic technology is a misdemeanor.

This bill would require a facility that operates a mammogram machine to post notices of serious violations, as defined, in an area that is visible to patients. The bill would require the facility to post the notice within 2 working days after receipt of the documents from the department and require that the documents remain posted for a minimum of 5 working days or until action correcting the violation has been completed, whichever is later. Because this bill would create a new crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 115102 is added to the Health and Safety Code, to read:

115102. (a) A facility that operates a mammogram machine shall post notices of serious violations in an area that is visible to patients. For purposes of this section, "serious violation" means a Level 1 deviation, identified by an inspector, from federal Mammography Quality Standards Act of 1992 (42 U.S.C. Sec. 263b) standards, in effect as of December 31, 2009, that may seriously compromise the quality of mammography services that are offered by the facility.

(b) The facility shall post the notice pursuant to this section within two working days after receipt of the documents from the department. These documents shall remain posted for a minimum of five working days or until action correcting the violation has been completed, whichever is later.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.